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SUBJECT: 2008 MOROCCO UPDATE OF THE WORST FORMS OF CHILD LABOR

REF: A. STATE 127448

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SUMMARY AND INTRODUCTION

¶1. Summary: This message provides requested updates for the Department of Labor's annual report on the Worst Forms of Child Labor and Morocco's commitment to combat and eliminate them. It updates information provided by Post in 2007 and years prior, concerning Morocco's child labor laws and regulations, law enforcement efforts, information on violations and prosecutions, governmental, and non-governmental programs, and policies to eradicate child labor.

¶2. The Government of Morocco (GOM) recognizes that there is an ongoing problem with child labor in the country and has made significant progress towards eradication of the problem. In recent years, Morocco has strengthened several legal codes aimed at ending the exploitation of children. In 2004, the government passed reforms to the Family Code, the Labor Code, and the Penal Code, all of which strengthened children's rights. In addition, the GOM adjusted the ages for compulsory schooling from 7-13 to 6-15 in ¶2000.

¶3. Although the GOM informed Post of plans to pass legislation on the issue of child domestics and trafficking in persons (TIP), no new legislation was ratified in 2008. The inclusion of TIP and labor issues in the Human Right's Dialogue between the Mission and the GOM has led to greater responsiveness and openness on the part of the government. For the first time, the GOM reported on fines levied on businesses that employ underage children.

¶4. The GOM has put forward a National Action Plan for Children for 2006-2015 and has undertaken a number of awareness-raising campaigns to sensitize the public to the issue of child labor. Furthermore, the Ministry of Employment along with the International Labor Organization (ILO) has funded a number of programs in rural areas to decrease child labor by increasing school enrollment. However, as in previous years, child labor persists and the GOM's good intentions are hampered by a failure to implement and enforce existing laws on the issue. Also, the lack of government statistics on the issue makes it impossible to quantify any improvements in the number of children working. END SUMMARY AND INTRODUCTION.

OVERVIEW OF CHILD LABOR IN MOROCCO

15. Child labor in Morocco is a persistent and widespread problem. Quantifying the extent of problem is difficult since up-to-date and accurate statistics are difficult to come by. The GOM was unable to provide statistics for the number of children under 15 engaged in work in 2008. In 2007 the Minister of Social Development, the Family and Solidarity, Nouzha Skalli, in a public interview reported the GOM's estimate for 2004 as 177,000 children under 15 in the work force. Most experts agree this number is a gross underestimation of the scale of the problem.

16. The best information to date still comes from a 2003 report entitled "Understanding Children's Work in Morocco" (UCW) sponsored by UNICEF, the ILO, and the World Bank. The primary source of this report's statistical information was taken from the Living Standards Measurement Studies (LSMS) of 1998/99 and the Labor Force Survey (LFS) of 2000 conducted by the Moroccan Statistics Directorate.

17. According to the UCW some 600,000 children age 7-14, or 11 percent were engaged in work. The overwhelming majority of child workers (87 percent) are engaged in rural work for their families and not for wages. Children's work in urban areas was broken down across the following industries: textiles (25 percent), commerce (16 percent), domestic service (12 percent), repairs (9 percent) and other industries (20 percent). Girls are slightly more likely than boys to be involved in agriculture, domestic services and textile factories while mining, construction, repairs and transport are the exclusive domain of boys. Working children, like their adult counterparts, put in an average of 45 hours per week. Girls working as domestics put in 67 hours per week on average. According to the UCW only 14 percent of boys and 8 percent of girls managed to attend school while working.

18. The UCW is likewise helpful for understanding the relationship of child labor and family. Urban child workers can be divided between those who work for their family, those who work for a wage, and those engaged in an apprenticeship. Children in the textile industry were evenly divided between wage employees (30 percent), family workers (32 percent) and apprentices (38 percent). In the commerce sector, 50 percent of children worked for their families whereas 26 percent are self-employed. Most children in the repair sector (90 percent) worked as apprentices. 96 percent of children in the agricultural sector worked for their families and did not receive a wage.

EDUCATION

10. Education levels are integrally tied to the issue of children labor. Most government and NGO programs aimed at reducing child labor focus on increasing school attendance. Morocco has over the last decades made significant strides on the issue of primary school enrollment. In 1990-1991 the GOM reported enrollment in the first year of primary school at 55 percent whereas in 2000-2001 the number increased to 85 percent. The Ministry of Education reported that in 2008 that 86.3 percent of six year olds were enrolled in school. The UCW estimated in 2003, however, that 38 percent of children drop out before completing the sixth grade.

11. Access to education for children in urban areas presents few obstacles, whereas in rural areas the level of access is limited at best. Lack of adequate facilities beyond primary education in most rural communities often ensures that young girls will not attend secondary school. Parents are far less likely to send a female child away to boarding school or allow her to travel any distance away from home to attend classes, due to cultural and safety reasons. Moreover, the expense of sending a child away to school is often prohibitive for rural families. Given the choice between sending a female or male child to school most families opt for the male child. The education of a male child is often seen as an investment in the future whereas the education of the female child beyond primary school is frequently viewed as an unnecessary expense.

SEXUAL EXPLOITATION AND TRAFFICKING

¶12. The sexual exploitation and the trafficking of children continues to be a problem though neither the government, NGOs, nor international organizations are able to provide statistics defining its extent in Morocco. In 2005 the UN Special Rapporteur on the issue of commercial exploitation of children received reports of child prostitution in all five cities (Casablanca, Meknes, Tangier, Marrakech and Rabat) she visited 2005. NGOs working on the issue, in particular Touche Pas A Mon Enfant (Hands Off My Child - TPAME), reported dozens of cases of child prostitution in most large cities in Morocco. Sex tourism remains a problem. The GOM through the National Observatory for the Rights of Children (ONDE) has conducted seminars and public awareness campaigns on the issue. A TPAME lawyer who works on sex tourism cases in Marrakesh reported that the GOM takes seriously and prosecutes cases of foreigners involved in the sexual exploitation of children.

¶13. A study on trafficking in Morocco sponsored by the International Organization for Migration (IOM), UNHCR, and the UN Development Programme Representative in Morocco (UNDP) (Ref B) has finally received funding and began preliminary research in December of 2008. The report, which focuses exclusively on victims trafficked internationally, will conclude in April of 2009 with publication of the report and recommendations for the GOM. The researchers told us they were so far aware of Nigerian smuggling rings that traffic sub-Saharan for sexual exploitation in Europe and that may include minors. Moroccan women trafficked to the Persian Gulf and the Levant are generally over 18. A representative of the IOM reported that in 2009, UNIFEM and UNICEF plan to finance a separate report which will look at internal trafficking in Morocco, particularly the issues of child domestics and trafficking for sexual exploitation.

¶14. A 2003 study by UNICEF on the sexual exploitation of children in Marrakech interviewed 100 children engaged prostitution. The study found that two thirds of the children came from single parent homes, 62 percent from the poorest social class, and that 97 percent were illiterate. Three quarters of the children reported having sexual relations with Moroccans and with foreigners whereas 17 percent reported having an exclusively foreign clientele.

CHILD DOMESTICS

¶15. The issue of child domestics or "petites bonnes" remains a significant problem in Morocco. Young girls living in rural areas are typically trafficked by middlemen or "simsars" who arrange employment with urban families for a fee. Despite GOM awareness raising campaigns, the mentality still exists among urban employers that they are contributing to the welfare of the child by offering employment and a home. We spoke with one NGO worker who admitted that before assuming her current position she employed a child worker and did not see the harm in it.

¶16. A 2001 study undertaken by the Ministry of Labor and the Municipality of Casablanca with the assistance of the UN Population Fund estimated that there were more than 22,940 children between the age of 12 and 18 working as domestics in Casablanca alone. Of this number 13,580 were under the age of 16. A study by the NGO Save the Children done in 2001 estimated that there are 66,000 girls in Morocco under the age of 15 with no relation or kinship working in a domestic servant capacity.

¶17. Child domestics, almost exclusively the domain of young girls, are especially vulnerable to exploitation. Child domestics face increased risk of physical and sexual abuse from their employers. Furthermore, they typically work very long hours, do not attend school, and have high rates of illiteracy. The women's NGO INSAF, which works with pregnant unwed mothers, told us that the overwhelming majority of its beneficiaries were former child domestics. Similarly, Bayti, an NGO that works with street children in Casablanca, reported that most of its female beneficiaries are former child domestics who fled to the streets to avoid sexual or physical abuse by their employers.

ARTISINAL SECTOR

¶18. The UCW report indicates there are some 36,000 children working as "artisans" in the country who typically begin as apprentices at a very young age. Weaving of rugs by hand is the domain of girls, while boys are involved in pottery, ceramics, metal work, leather goods and shoes.

ARMED FORCES

¶19. The minimum age for voluntary or compulsory recruitment into the armed forces is 18 years. There is no evidence of underage recruitment into the Moroccan armed services.

GOM COMPLIANCE WITH INTERNATIONAL TREATIES

¶20. Morocco ratified ILO Convention 138 (minimum age of employment) and Convention 182 (Worst Forms of Child Labor) in 2000 and 2001 respectively. Morocco also ratified the UN Convention of Rights of the Child in June 1993. Furthermore, Morocco has amended more than 240 articles of legislation to enhance the rights of children in the last decade. Notably amongst these are legislative overalls to the Labor Code in 2004 which changed the minimum age of legal work from 12 to 15 for all sectors and professions (Article 143). However, the labor code does not cover the informal sector or the family work place where the overwhelming majority of working children are found.

GOM EFFORTS TO ERADICATE CHILD LABOR

¶21. The GOM continues to emphasize the elimination of child labor. In 2006 the GOM launched its 'National Plan of Action for Children,' outlining the government's strategy for 2006-2015 and headed by the king's sister Princess Lalla Meryem. The plan's four goals are to improve children's health and education; protect children from abuse, violence, and exploitation; and combat HIV/AIDs. In 2007 the government created a inter-ministerial commission known as "Inqad" to fight child employment, particularly child domestics. The commission is tasked with making recommendations to the government on judicial reforms and working with partners in civil society to improve the situation of child labor. Inqad also spearheaded an anti-child labor awareness campaign from January to February of 2007 using print media, radio and television to disseminate information about the dangers of child labor.

¶22. As part of the National Plan of Action for Children and the GOM's anti-child labor efforts, the Ministry of Employment and Professional Formation led by the Office of the Director of Work, in conjunction with ILO-IPEC and local NGO partners, oversaw a number of programs to deal with the issue of child labor. The Ministry is currently managing four programs to be implemented by local NGOs in the provinces of Kenitra, Taroudat, and two in Marrakech. The programs seek to decrease incidents of child labor through awareness raising, financial assistance to needy families, and lowering obstacles to school attendance. The total budget for the four programs is USD 236,000.

¶23. A bill that would regulate domestic labor proposed by the Ministry of Social Development, Families and Solidarity (reported by post in 2007) has not moved forward. The Ministry remains hopeful there will progress in the upcoming year.

GOM ENFORCEMENT EFFORTS

¶24. Enforcement of the labor code is the responsibility of the Ministry of Employment through its team of labor inspectors. Employment of children under the age of 15 years is forbidden by article 143 of the Labor Code of 2004. However, the inspectors are limited in number, resources, and investigative power which affects their ability to fulfill their enforcement function. There are no

labor inspectors dedicated solely to child labor issues and the inspectors do not have the authority to inspect private residences for underage domestic servants. As in previous years, the Ministry of Justice was unable to point to any cases of fines or sanctions levied against individuals for the illegal employment of child domestics or the prosecution of middle-men or "simsars" who traffic children from rural to urban areas.

¶25. The Ministry of Employment reported that in the first six months of 2008, 55 establishments were visited with 94 observations of child labor. 29 fines and citations were given to businesses employing children under the age of 15. During the same time period, 184 establishments were visited and 616 observations and 19 fines were given for the employment between 15 and 18 years of age. The fines and citations given for child work were in the following industries: the wood-working 23 percent, mechanical 19 percent, and construction industries 12 percent, and other sectors 46 percent.

COMMENT

¶26. There is little doubt that the GOM attaches high priority to combating the worst forms of child labor, especially the sexual exploitation of children. The country's adherence to international conventions, its legal reforms and its organization of forums, seminars, and awareness raising campaigns on the issue all indicate a clear political will to eliminate the worst forms of child labor. However, the government continues to fall short in implementing existing laws against child labor. There are currently no mechanisms to identify domiciles that employ child domestics and withdraw them from the homes. Moreover, the government has not demonstrated any effort to prosecute employers of child domestics and most importantly the middlemen who traffic them. The current force of labor inspectors is understaffed and ill-equipped to deal with the issue of child labor in general and child domestics in particular.

¶27. Child labor in Morocco is largely a rural phenomenon, tied to issues of poverty and education. Morocco has taken steps through the National Initiative for Human Development (INDH) and the various

government ministries to alleviate rural poverty, extend electricity and potable water to remote areas, and eliminate obstacles to accessing education. The GOM needs to fund quantitative studies on child labor in the various sectors of the economy in order to have a clearer picture about the prevalence of the problem and the effectiveness of its development programs in countering child labor and increasing school enrollment.

¶28. Trafficking and the sexual exploitation of children remains a real concern. The GOM should enact legislation that specifically outlaws trafficking and create mechanisms to support and defend its victims. Currently, local NGOs are taking the lead in raising the victims of sexual exploitation. The GOM, potentially in partnership with these NGOs, needs to take a more active role in countering this problem. On the policy side, the Mission will continue to engage on issues of trafficking and child labor with the GOM and advocate for the needed reforms and greater action. End Comment.

¶29. Embassy Rabat has coordinated on this message.

Millard